

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 Thomas F. Sparacio/Ann Marie
Sparacio (Sister/Guardian),

Case No.: 2:20-cv-00274-JAD-NJK

4 Plaintiff

**Order Granting Unopposed
Motion to Dismiss**

5 v.

6 Local 872,

[ECF No. 6]

7 Defendant

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9 Defendant Local 872 filed a motion to dismiss this action under Federal Rule of Civil
10 Procedure 12(b)(6).¹ The deadline to oppose that motion was July 30, 2020, and plaintiff filed
11 neither a response nor a request to extend the deadline to provide one.

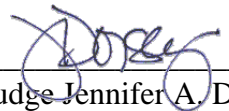
12 Local Rule 7-2(d) provides that “[t]he failure of an opposing party to file points and
13 authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for
14 attorney’s fees, constitutes a consent to the granting of the motion.” And plaintiff was expressly
15 notified that if she failed to file a response to Local 872’s motion to dismiss by the deadline,
16 “[t]he court may . . . grant the motion and dismiss” her claims under this local rule.² The court
17 applies Local Rule 7-2(d) and construes plaintiff’s failure to file a timely response to Local 872’s
18 motion as consent to grant it.

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23 ¹ ECF No. 6 (motion to dismiss).

² ECF No. 8 (*Klinge & Rand* notice).

1 IT IS THEREFORE ORDERED that the motion to dismiss **[ECF No. 6] is GRANTED,**
2 and THIS CASE IS DISMISSED. The Clerk of Court is directed to ENTER JUDGMENT
3 ACCORDINGLY and CLOSE THIS CASE.

4 Dated: August 5, 2020

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7 U.S. District Judge Jennifer A. Dorsey
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